



DEPARTMENT OF NATURAL RESOURCES

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April 4, 2003

The Doe Run Company
Clifton Gray
General Manager
881 Main Street
Herculaneum, MO 63048

**Re: April 1, 2003 Draft Lead Transportation and Materials Handling Plan,
Herculaneum, Missouri**

Dear Mr. Gray:

The Doe Run Company agreed in April 2002 to fundamentally change the way it handles lead at its facility to help prevent or reduce the toxic levels of lead in the Herculaneum community. The legal agreement that Doe Run Company signed required that 80 percent of lead material be transported by rail within one year. If, as you acknowledge will occur, Doe Run Company fails to meet the 80 percent target, this issue must be addressed in a revised Transportation and Materials Handling Plan to be finalized for implementation by April 26, 2003.

As you know, the issue of handling lead and trucking it through the Herculaneum community is not incidental. In fact, the dramatic finding of 300,000 parts per million (ppm) lead along a residential street is what initiated this intensive effort by the Environmental Protection Agency, Department of Natural Resources, Department of Health and Senior Services, Agency for Toxic Substances and Disease Registry and the Doe Run Company. Subsequent health studies found that more than 25 percent of the children six years of age and under had elevated levels of lead in their blood. Although Doe Run Company has done much to reduce the levels of lead in the community, the issue of tracking lead through the streets of Herculaneum remains a significant problem. Hence, the draft plan you agreed to submit is critical to making the necessary big steps now needed to protect the long-term health of residents in Herculaneum.

Regrettably, the draft plan you submitted fails to include the basic elements we suggested be included as part of an acceptable Transportation and Materials Handling Plan. During our meetings with Doe Run staff on March 14 and later on March 19, 2003 we clearly spelled out suggested elements that would be the type of changes we expected to see in a minimally acceptable plan. For example, the April 1st draft plan is inadequate because:

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1. It failed to provide adequate plans to assure effective separation of areas determined to “dirty” and “clean”. Consequently, the plan would not ensure that decontaminated trucks would not simply drive through contaminated areas and become recontaminated. The draft plan could cause lead contamination to continue to be spread throughout the community as trucks drive through residential streets with lead contaminated tires and undercarriages.
2. The draft plan fails to consider a broad “systems” approach that includes the loading of the trucks at the Doe Run mine and mill sites, containment during the drive to the smelter and the subsequent loading process; and
3. The draft plan fails to ensure that lead is shipped in leak proof trucks. I wrote to you on March 5, 2003 regarding an incident where lead concentrate leaked from a truck and asked that you respond to this incident with a plan for preventing leaks, and I have not yet received any reply.

We have not yet completed a detailed review of all aspects of the draft plan, but it is obvious on its face that the plan does not include many of the essential elements that would provide the level of protection that has been lacking for decades and that has contributed to elevated blood lead levels in residents of Herculaneum.

Accordingly, we would like you to submit to us a completely revised Lead Transportation and Materials Handling Plan by April 8, 2003 so that we may continue to work with you towards developing an effective plan that can be implemented by the deadline you agreed to on April 26th.

Please do not hesitate to contact me if you have any questions at (573) 751-0763.

Sincerely,

AIR AND LAND PROTECTION DIVISION

Original signed by James D. Werner

James D. Werner
Director

cc: Bruce Morrison, EPA/Region VII
Shelley A. Woods, MO AGO